

### Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### **Listing of Claims**

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##### Claim 1-32 (Canceled)

Claim 33 (Currently amended): A method of accessing instant messaging on the data network at a telephone comprising the steps of:

identifying a subscriber, a telephone number at which they can receive messages, and a predefined period of time for which they can receive messages at this number;

establishing the user's presence and ability to receive instant messages on the data network during the specified time period;

where an instant message is sent to the subscriber during this period of availability, calling the subscriber at the predetermined telephone number and delivering the message.

Claim 34 (<sup>amended</sup> Original): A method of accessing instant messaging on a data network at a telephone comprising the steps of:

identifying a telephone user as a subscriber, a telephone number at which they can received messages, and a ~~period of time for~~ range during which they can receive messages at this number[[.]];

establishing the subscriber's presence and ability to receive instant messages on the data network during the specified time period;

presenting to the subscriber a subset of a predetermined user list, the subset representing users logged onto a data network;

responsive to the subscriber selecting a particular user from the subset of the predetermined user list, sending a message from the subscriber to the selected data

network user using an instant messaging protocol, wherein the message includes the telephone user's telephone number and a duration of time the telephone user will be available at that number.

Claim 35 (Original): A method as claimed in claim 34 wherein the step of presenting occurs upon receipt of a predetermined command from the subscriber.

Claim 36 (Original): A method as claimed in claim 35 wherein the step of presenting includes voice synthesizing names on the user list.

Claim 37 (Original): A method as claimed in claim 35 wherein the step of presenting includes playing back prerecorded names on the user list.

Claim 38 (Original): A method as claimed in claim 35 wherein the step of presenting includes displaying names on the user list on a display associated with the telephone.

Claim 39 (Original): A method as claimed in claim 34 wherein the step of presenting occurs automatically upon login by the subscriber.

Claim 40 (Original): A method as claimed in claim 39 wherein the step of presenting includes voice synthesizing names on the user list.

Claim 41 (Original): A method as claimed in claim 39 wherein the step of presenting includes displaying names on the user list on a display associated with the telephone.

Claim 42 (Original): A method as claimed in claim 39 wherein the step of presenting includes playing back prerecorded names on the user list.

Claim 43 (Original): A method as claimed in claim 34 wherein the step of selecting includes the step of receiving a DTMF command from the subscriber.

Claim 44 (Original): A method as claimed in claim 34 wherein the step of selecting includes the step of receiving a voice command from the telephone user.

Claim 45 (Original): A method as claimed in claim 34 wherein the step of selecting includes the step of receiving a proprietary signal from the telephone.

Claim 46 (Original): A method as claimed in claim 34 wherein the step of sending a message includes recording and sending a voice message.

Claim 47 (Original): A method as claimed in claim 34 wherein the step of sending a message includes sending a prerecorded voice message.

Claim 48 (Original): A method as claimed in claim 34 wherein the step of sending a message includes sending a prerecorded text message.

Claim 49 (Original): A method as claimed in claim 34 wherein the step of sending a message includes sending a text transcription of a voice message.

Claim 50 (Original): A method as claimed in claim 34 further comprising the steps of receiving an instant message in response the message sent by the telephone user and notifying the telephone user of the receipt of the message.

Claim 51 (Cancelled)

Claim 52 (Original): A method as claimed in claim 50 34 further comprising the

steps of, during the duration of time, receiving an instant message in response the message sent by the telephone user and notifying the telephone user of the receipt of the message at the telephone user's telephone number.

Claim 53 (Original): A method as claimed in claim 34 wherein the step of presenting includes the steps of first determining whether the telephone user is logged onto the data network and if not then presenting the user list.

Claim 54 (Original): A method as claimed in claim 53 wherein the step of determining whether the telephone user is logged onto the data network includes determining if the telephone subscriber is a personal communications subscriber and if the user is, maintaining a presence in the data network for the telephone user for receiving and forwarding instant messages to the telephone user.

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